



Miami-Dade Legislative Item File Number: 121400

File Number: 121400	File Type: Resolution	Status: Adopted
Version: 0	Reference: R-653-12	Control: Board of County Commissioners
File Name: CLARIFY TITLE OF SUBSECTIONS, CORRECT UPDATE HOME RULE CHART		Introduced: 7/5/2012
Requester: NONE	Cost:	Final Action: 8/23/2012
Agenda Date: 8/23/2012		Agenda Item Number: 10A1

Notes: CHARTER AMENDMENT

Title: RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO CLARIFY THE TITLES OF SUBSECTIONS, CORRECT AND UPDATE CROSS-REFERENCES BETWEEN PROVISIONS, AND DELETE REFERENCES TO OFFICES AND AGENCIES WHICH HAVE BEEN ABOLISHED

Indexes: CHARTER AMENDMENT

Sponsors: Sally A. Heyman ,Prime Sponsor

Sunset Provision: No

Effective Date:

Expiration Date:

Registered Lobbyist: None Listed

LEGISLATIVE HISTORY

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	8/23/2012	10A1	Adopted				P
Board of County Commissioners	7/17/2012	10A1	Deferred		8/23/2012		P
County Attorney	7/5/2012		Assigned	Oren Rosenthal			

LEGISLATIVE TEXT

TITLE

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO CLARIFY THE TITLES OF SUBSECTIONS, CORRECT AND UPDATE CROSS-REFERENCES BETWEEN PROVISIONS, AND DELETE REFERENCES TO OFFICES AND AGENCIES WHICH HAVE BEEN ABOLISHED

BODY

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida in conjunction with a General Election on Tuesday, November 6, 2012, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

TECHNICAL AMENDMENTS TO HOME RULE CHARTER

SHALL THE CHARTER BE AMENDED TO CLARIFY THE TITLES OF SUBSECTIONS, CORRECT AND UPDATE CROSS-REFERENCES BETWEEN PROVISIONS, AND DELETE REFERENCES TO OFFICES AND AGENCIES WHICH HAVE BEEN ABOLISHED?

YES

NO

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

OTHER

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-11

BOARD OF COUNTY COMMISSIONERS

* * *

SECTION 1.05. FORFEITURE OF OFFICE >>OF COUNTY ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES<<.

* * *

SECTION 1.07. VACANCIES >>IN THE OFFICE OF MAYOR OR COUNTY COMMISSIONER<<.

* * *

ARTICLE - 3

ELECTIONS

SECTION 3.01. ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS >>AND MAYOR<<.

* * *

ARTICLE - 5

ADMINISTRATIVE ORGANIZATION AND PROCEDURE

* * *

SECTION 5.08. BOARDS.

* * *

C. Dade County shall retain all its powers, including but not limited to that of eminent domain, in relation to the creation of a county-wide water and sewer system[, for the purpose of cooperating with the Miami-Dade Water and Sewer Authority]].

ARTICLE - 6

MUNICIPALITIES

* * *

SECTION 6.03. MUNICIPAL CHARTERS.

A. Except as provided in Section [[5.04]] >>6.04<<, any municipality in the county may adopt, amend, or revoke a charter for its own government or abolish its existence in the following manner. Its governing body shall, within 120 days after adopting a resolution or after the certification of a petition of ten percent of the qualified electors of the municipality, draft or have drafted by a method determined by municipal ordinance a proposed charter amendment, revocation, or abolition which shall be submitted to the electors of the municipalities. Unless an election occurs not less than 60 nor more than 120 days after the draft is submitted, the proposal shall be submitted at a special election within that time. The governing body shall make copies of the proposal available to the electors not less than 30 days before the election. Alternative proposals may be submitted. Each proposal

approved by a majority of the electors voting on such proposal shall become effective at the time fixed in the proposal.

* * *

SECTION 6.05. CREATION OF NEW MUNICIPALITIES.

The Board of County Commissioners and only the Board may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries. The Board of County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section [[5.03]] >>6.03<<. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida. Notwithstanding any provision of this Charter to the contrary, with regard to any municipality created after September 1, 2000, the pre-agreed conditions between the County and the prospective municipality which are included in the municipal charter can only be changed if approved by an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners then in office, prior to a vote of qualified municipal electors.

* * *

ARTICLE - 8 INITIATIVE, REFERENDUM, AND RECALL

* * *

SECTION 8.02. RECALL.

Any member of the Board of County Commissioners, the Mayor, >>or<< the Property Appraiser[, the Sheriff or Constable]] maybe removed from office by the electors of the county, district, or municipality by which he was chosen. The procedure on a recall petition shall be identical with that for an initiatory or referendary petition, except that:

* * *

1Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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Approved Mayor Agenda Item No.
Veto _____ 7-17-12
Override _____

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